

Tuesday, February 24, 1863
9 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Casey, Chairman of Committee on Engrossed Bills, reported correctly engrossed a Bill authorizing judgement to be rendered requiring property levied on be executed or sold under deed of trust or mortgage to bring 9/10 (nine tenths) of its appraised value in certain cases.

On motion the Senate proceeded to the election of an assistant Doorkeeper. Nominations being in order, and Mr. Guinn and Mr. Casey being appointed tellers, Mr. Dickson nominated Mr. William Hamby. Mr. Burney nominated Mr. Raven and before the ballot was taken withdrew the nomination. Whereupon the Senate proceeded to ballot and upon counting the vote it was ascertained that Mr. Hamby had received 25 votes. Mr. Hamby was therefore declared duly and Constitutionally elected assistant Doorkeeper of the Senate who came forward and took the oath of office.

On motion of Mr. Guinn, Mr. Murphy, Doorkeeper, was excused for the remainder of the Session.

Mr. Lea presented the petition of sundry citizens of San Patricio County for recision of its Corporate Charter etc. Referred to Committee on State Affairs.

Mr. Durant, Chairman of Committee on Confederate Relations, made the following report:¹²

Mr. Harcourt, Chairman of Committee on Judiciary, on behalf of that Committee reported the following bills and recommended their passage.

A Bill to attach Kendall County to the 4th Judicial District and providing the time of holding courts therein.

A Bill to authorize the County Courts of Bastrop and other Counties therein named to regulate the pay of Sheriffs in certain cases.

A Bill to incorporate the Texas Lead and Copper Mine Company.

A Bill to incorporate the Jackson Manufacturing Company.

¹² The journal manuscript indicates that this report was mislaid, and an extensive search of the Archives has failed to uncover it.

A Bill declaring void any sale made by the public enemy who may occupy any portion of the territory of the State of Texas with a recommendation that it do not pass.

Mr. Burney, Chairman of Committee on Public Lands, reported a Bill for the relief of parties holding land under Daniel Monroe and recommended its passage. Also a substitute for a bill to that Committee referred to appropriate land to the Texas officers and soldiers in the war with the United States.

Mr. Lea, one of the Committee on State Affairs, on behalf of that Committee made the following report:

The Committee of State Affairs, to which was referred "A bill requiring clerks of the County Courts of Texas to procure a book which shall be called the black book," has given the subject deliberate consideration and reports as follows:

The Committee regards the bill as objectionable.

1. It proposes to register and post any person who may refuse to take the currency of this state for any debt contracted since the present war, or for any commodity offered for sale. Confederate treasury warrants are understood to be the currency referred to. If the Confederate government have the power to make them a legal tender, it has not yet done so, and the states are expressly prohibited from making any thing a legal tender except gold and silver. As no person is legally bound to take such paper currency, there would seem to be an objection to making a legal crime of a mere assertion of legal right, however strong may be the moral and political obligations to sustain this paper currency; and the bill manifestly intends such registration and posting to be very severe punishment of the offender, with a corresponding admonition to all other persons.

2. But if power to inflict such chastisement were assumed, law, justice, and policy would reject the mode of trial proposed in the bill. The County Court Clerk is to be satisfied of procuring it, and without notice to the accused or hearing him; and thereupon the Clerk is to register in the Black Book the delinquents name, and to post it in some conspicuous place in his office. No comment is necessary.

The Committee has been thus particular because a minority has favored the bill and desired a report.

A majority have instructed that the bill be reported with a recommendation against its passage.

Pryor Lea

one of the Committee

Mr. Graham from the Committee on the Penitentiary reported on behalf of that Committee upon the reports of the officers of the Penitentiary to that Committee referred:

A Bill to repeal articles 175 and 177 of chapter 12 of the Penal Code. Read 1st time.

A Bill to amend article 123 of chapter 6 of the Penal Code of the State of Texas. Read 1st time.

Mr. Boyd, Chairman of Committee on Roads, Bridges, and Ferries, reported on behalf of that Committee a Bill to authorize the establishment of ferries at the crossing of the Waco and Austin road on the Lampasas and Leon rivers in the County of Bell without obtaining license and recommended its passage.

Mr. Lea introduced a Bill to provide necessary assistance for families and other dependents of non-commissioned officers and soldiers. Read 1st and 2nd times and referred to Committee on State Affairs.

ORDERS OF THE DAY

A Bill to amend the 19th, 20th, and 47th sections of an act to regulate proceedings in the County Courts pertaining to estates of deceased persons approved March 20, 1848. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A Bill in relation to judicial proceedings in counties in possession of or endangered by the public enemy. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A Bill to prescribe the residence of County Surveyors. Read 2nd time and passed to a 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Shepard moved to reconsider the vote taken on yesterday passing a Joint Resolution relative to the indebtedness of the Confederate States. Carried. Mr. Shepard then moved to reconsider the vote refusing to adopt the amendment offered by Mr. Hartley to strike out the words "assumption and." Carried. Mr. Hartley then moved to reconsider the vote passing the Joint Resolution to a 3rd reading. Carried. Mr. Hartley then rendered his pro-

posed amendment to strike out "assumption and." Adopted. The resolution was then passed to a third reading. Rule suspended. Read 3rd time and passed.

A Bill to repeal an act to amend the 1st and 11th Sections of an act to authorize the sale of the public domain approved February 11, 1858, approved January 1, 1862, on report of Committee on Public Lands recommending amendments. Read 2nd time. Amendments adopted. Mr. Shepard moved to refer the bill to the Committee on Land Office with instructions to report a bill raising the price of the public lands. Mr. Burney moved the previous question which was carried. The main question being upon the passage of the bill to a third reading having been ordered by the Senate was put and carried.

A Bill to provide a specie fund to aid taxpayers in the payment of specie taxes being the special order was read 2nd time. Mr. Harcourt moved to postpone further consideration of the measure until Thursday the 26th instant at 11 o'clock A. M. Mr. Harcourt withdrew his motion, whereupon Mr. Selman offered a substitute suspending the collection of the specie tax for the year 1863. The substitute was on Mr. Dickson's motion laid on the table and the bill ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Mr. Hartley, Chairman of Committee on State Affairs, reported a Bill to regulate the sale of beef cattle and to require butchers to keep and return lists of the cattle slaughtered by them and to prevent the sale of calves for slaughter without branding and recommended its passage.

On motion the Senate adjourned until 3 o'clock P. M.

3 o'clock P. M.

Senate met, roll called, quorum present.

A Bill for the organization of the militia and prescribing who shall be liable to military duty being the special order was read 2nd time. Mr. Guinn offered the following amendment: Section [blank] The Secretary of State shall take charge of the records and papers pertaining to the late office of the Adjutant General and shall perform all the duties of the Adjutant General under the directions of the Governor, and may employ one clerk to assist him in the discharge of the duties of said office, who shall receive

a salary of \$1,400 per annum and the said sum of \$1,400 per annum is hereby appropriated for this purpose.

Mr. Durant moved to lay the bill and amendment on the table upon which the Yeas and Nays were as follows:

Yeas: Messrs. Crawford, Durant, and Maxey—3.

Nays: Messrs. Andres, Batte, Beasley, Boyd, Burney, Casey, Cook, Cooper, Dickson, Ford, Graham, Guinn, Harcourt, Hartley, Lea, Lair, Moore of Davis, Moore of Bastrop, Quayle, Reed, Shepard, Weatherford, Wheeler, and White—24.

Mr. Cook then moved the re-reference of the bill to the Committee on Military Affairs. Lost. The question being upon the adoption of the amendment offered by Mr. Guinn, Mr. Casey moved to amend the amendment by striking out all after the word "Governor."

Mr. Cook offered the 29th section of the act to provide for the organization of the State troops and place the same on a war footing as a substitute for the amendment proposed.

Mr. Harcourt moved to lay the substitute on the table. Mr. Cook then withdrew the substitute, whereupon Mr. Guinn by leave withdrew his amendment. Mr. Cook then offered the 29th section aforesaid as an amendment so modifying its language as to suit the provisions of the bill under consideration. Mr. Ford moved to amend the amendment of Mr. Cook by striking out all relating to the appointment of an assistant quartermaster and clerks.

Mr. Cooper moved to lay Mr. Cook's amendment and Mr. Ford's amendment thereto on the table whereupon the Yeas and Nays were called when Mr. Cooper withdrew the motion.

Mr. Durant then moved the re-reference of the bill and amendments to a select committee of five upon which the Yeas and Nays stood thus:

Yeas: Messrs. Andres, Beasley, Boyd, Cooper, Crawford, Dickson, Durant, Ford, Guinn, Hord, Lea, Lair, Maxey, Moore of Davis, Moore of Bastrop, Parsons, Quayle, Reed, Selman, and Shepard—[20].

Nays: Messrs. Batte, Burney, Casey, Cook, Graham, Harcourt, Hartley, Weatherford, Wheeler, and White—10.

A message was received from the House informing the Senate that the House had passed the following bills.

A Bill to authorize the County Courts of Smith and

Walker Counties to levy a special tax for war purposes and have the same collected immediately.

A Bill appropriating money defraying all expenses for nations and forage 21st Brigade Texas State Troops.

A Bill making an appropriation to defray the contingent expenses of the extra session, 9th Legislature.

On motion the Senate adjourned until 9 o'clock A. M. tomorrow.

Wednesday, February 25, 1863

9 o'clock A. M.

Senate met, President *pro tem* in the Chair, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

A message was received from the House informing the Senate that the House had passed the following bills:

A Bill to authorize the Commissioner of the General Land Office to issue to all persons and corporations such land certificates as they may be entitled to receive under any general or special law of the state.

A Bill to incorporate the Texas Paper Manufacturing Company.

A Bill to incorporate the Comal Manufacturing Company.

A Resolution to adjourn *sine die* Monday, 2nd March, 1863.

A Bill to punish those who take the Alien Oath and refuse a participation in our struggle.

A Bill to procure specie to enable the people to pay the specie tax.

Mr. Casey moved to suspend the rule in order to take up a bill relative to property levied on by execution and requiring it to bring nine tenths of its value. Lost.

A Bill to regulate the cultivation of cotton. Read 3rd time. Mr. Lair moved a call of the Senate which was sustained. The Senate not being full.

A Bill requiring property levied on by execution, etc. to bring nine-tenths of its appraised value was taken up. Read 3rd time.

Mr. Harcourt offered the following amendment: "Provided that this act shall not apply to any administrator or guardian who may be a party plaintiff in any action for the recovery of a debt due the estate of a decedent or to